IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH

AT HYDERABAD

THE HON'BLE MR. JUSTICE V. ESWARAIAH

WRIT PETITION NO. 1533 OF 2006

DATED: 28-01-2005

BETWEEN:

Smt. D. Krishna Kumari

.....Petitioner

AND

1. Sree Dharma Sastra Charitable Trust,
   Represented by it's Trustee, Sri K.R. Satish,
   S/o Sri K.R. Nair, Aged about 35 years,
   Occupation: Business, R/o. Plot No. 37,
   Sancharpuri Colony, Phase I, New Bowenpally,
   Secunderabad and another.

.....Respondents

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

THE HON'BLE MR. JUSTICE V. ESWARAIAH

WRIT PETITION NO. 1533 OF 2006

ORDER:

This writ petition is filed seeking a writ of Mandamus declaring the action of respondent No. 2 in not taking any steps against the illegal and unauthorized construction commenced by respondent No. 1 over the portion of the road area lying in between the plots bearing Nos. 30, 31 and 32 and over the plots bearing Nos. 31 and 32, forming part of the layout of Sri Hanumanji Co-operative Housing Society, situated in Sy. No. 237 of Chinna Thokatta, Secunderabad as arbitrary and illegal and to consequently direct respondent No. 2 to take action under Section 185 of the Cantonment Act, 1924.

It is stated in the writ petition that the petitioner has purchased plot No. 8 admeasuring 241.66 square yards in Sy.No.237 of Chinna Thokatta, Secunderabad Cantonment from M/s. Varuna Co-operative Housing Society Limited under registered sale deed dated 28-03-2002 and also obtained permission for

construction of a residential house from the Cantonment Board vide permit No. 3217 dated 23-08-2002. Plot No. 8 forms part of Varuna Co-operative Housing Society and abutting the layout of Varuna Co-operative Housing Society, there is a layout of another society by name Sri Hanumanji Co-operative Housing Society Limited and it sold certain plots to various individuals. It is alleged that in the said layout, the 1st respondent is making certain illegal constructions and therefore, the residents of the colony made a representation

dated 21-12-2005 before the 2nd respondent about the alleged encroachments and unauthorized constructions of the 1st respondent but the said representation has not been considered and disposed of so far.

Learned Standing Counsel for the 2nd respondent submits that if any such representation is pending, the same may be directed to be considered and disposed of in accordance with law after hearing the petitioner as well as the 1st respondent.

Having regard to the facts and circumstances of the case and without expressing any opinion on the allegations made by the petitioner, the 2nd respondent is directed to consider and dispose of the representation dated 21-12-2005 in accordance with law after hearing the petitioner as well as the 1st respondent.

The Writ Petition is accordingly disposed of.

V. ESWARAIAH, J

Dated: 28-01-2006

ks